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SEC

SERVICE DATE – DECEMBER 10, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34514

RARITAN CENTRAL RAILWAY, L.L.C.  
— OPERATION EXEMPTION —  
HELLER INDUSTRIAL PARKS, INC.

Decided: December 9, 2004

On June 15, 2004, Raritan Central Railway, L.L.C. (Raritan), an existing Class III rail carrier, filed a verified notice of exemption under 49 CFR 1150.41 to operate approximately 1.0 route mile and approximately 2.0 track miles of railroad trackage and right-of-way inside the Heller Industrial Park, Edison Township, Middlesex County, NJ. Raritan's exemption notice was published in the Federal Register on July 12, 2004, at 69 FR 41877.

On July 7, 2004, Consolidated Rail Corporation, CSX Transportation, Inc., and Norfolk Southern Railway Company (collectively, petitioners) filed a petition to revoke the exemption. On July 27, 2004, Raritan filed a reply to the petition to revoke. On August 31, 2004, petitioners filed a supplemental petition to revoke. On September 13, 2004, Raritan filed a reply to the supplemental petition to revoke.

By decision served October 5, 2004, a proceeding was instituted to consider the issues raised in the petition to revoke.

On November 15, 2004, Raritan filed a request to dismiss its exemption notice with prejudice, and Raritan asked that its request be made effective upon filing. Petitioners have not replied to Raritan's request.

Under the circumstances, it seems appropriate to grant the dismissal request, to dismiss the exemption notice with prejudice, to dismiss the revocation petition as moot, and to discontinue this proceeding. However, because Raritan has not shown good cause to make this action effective as of November 15, 2004 (the date of filing of its dismissal request), this action will be made effective as of the service date of this decision.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The dismissal request filed November 15, 2004, is granted, and the exemption notice filed June 15, 2004, is dismissed with prejudice.
2. The revocation petition filed July 7, 2004, as supplemented by the supplemental petition filed August 31, 2004, is dismissed as moot.
3. The proceeding instituted by the filing of the exemption notice on June 15, 2004, is discontinued. The proceeding instituted in the decision served October 5, 2004 (i.e., the proceeding instituted to consider the issues raised in the revocation petition filed July 7, 2004), is likewise discontinued.
4. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary